

Application Serial No. 10/765,321
Response to Restriction Requirement filed September 1, 2005
Response to Office Action dated August 23, 2005

REMARKS

In the Restriction Requirement dated August 23, 2005, the Examiner required an election under 35 U.S.C. §121 between what was characterized as the following patentably distinct groups of claims:

- I. Claims 1-9; and
- II. Claim 10.

According to the Examiner, Groups I and II are related as combination and subcombination because the cage portion of the invention can function without the filter component discussed in Group I, and the subcombination has a separate utility such as an HVAC filter for a building.

Applicants respectfully maintain that the restriction requirement is not proper and withdrawal of the restriction requirement and examination of claims 1-10 is respectfully requested.

Notwithstanding the above, in order to comply with 37 C.F.R. §1.143, Applicants hereby provisionally elect Invention I, claims 1-9, drawn to a filter cap, to prosecute in this application.

Applicants' provisional election is made without prejudice and Applicants respectfully reserve the right to file later divisional applications directed to the claim not elected.

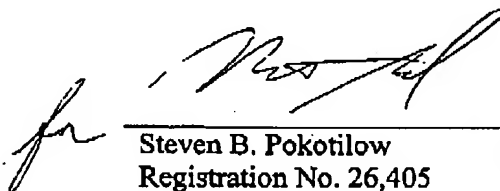
Applicants respectfully submit that all outstanding requirements have been addressed and are now either overcome or moot. Favorable consideration and prompt

Application Serial No. 10/765,321
Response to Restriction Requirement filed September 1, 2005
Response to Office Action dated August 23, 2005

allowance of this application is respectfully requested. In the event that there are any questions, or should additional information be required, please do not hesitate to contact Applicants' attorney at the number listed below.

No fee is deemed necessary in connection with the filing of this Response to Restriction Requirement. However, if any fee is now or hereafter required, the Examiner is hereby authorized to charge the amount of such fee(s) to Deposit Account No. 19-4709.

Respectfully submitted,



Steven B. Pokotilow
Registration No. 26,405
Attorney for Applicants
STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, New York 10038-4982
(212) 806-5400

76,941